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## City Council Meeting Agenda

5:30 p.m.  
January 14, 2016  
300 West Cotton Street  
Jo Ann Metcalf Municipal Building  
City Hall Council Chamber

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Employee Recognition**
- V. Proclamations**
  - A. Presentation of a Proclamation for National Poverty in America Awareness Month with Partners in Prevention – Mayor Mack.
  - B. Presentation of a Proclamation for National Mentoring Month with Partners in Prevention – Mayor Mack.
- VI. Citizen Comment**
- VII. Public Safety Update**
- VIII. Discussion Item**

Discussion of a Payday Lending Ordinance – Councilwoman Ishihara, District 4.
- IX. Consent Agenda**
  - A. Consider a Resolution authorizing an agreement with Greater Longview United Way (“GLUW”) to use the Broughton Recreation Center from January 25, 2016, until April 14, 2016, for GLUW’s volunteer income tax assistance program – Keith Bonds, Assistant City Manager. [Pages 5 - 8](#)

- B. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with C&C Logging & Tree Service of Longview, Texas for athletic complex mowing services – Dwayne Archer, Assistant Public Works Director. [Pages 9 - 12](#)
- C. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Excel Utility Construction of Longview, Texas in the amount of \$332,638.25 for the construction of the 2015 CDBG Lake Drive Improvements Project – Rolin McPhee, P.E., Director of Public Works. [Pages 13 - 16](#)
- D. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents with Excel Utility Construction of Longview, Texas in the amount of \$199,650.00 for the construction of the FM 2275 Utility Relocations at Graystone and McCann Roads Project in support of the TXDOT George Richey Road extension – Rolin McPhee, P.E., Director of Public Works. [Pages 17 - 20](#)
- E. Consider a Resolution authorizing the Longview Community Services Department to apply for and accept a grant from the Sabine River Authority of Texas for development assistance for the Longview Arboretum and Nature Center, and authorizing and directing the City Manager or his designee to execute any necessary documents incident to applying for and securing and expending said grant – Laura Hill, Director of Community Services. [Pages 21 - 24](#)
- F. Consider approval of the following minutes: October 29, 2015, and November 12, 2015 – Shelly Ballenger, City Secretary. [Page 25](#)

**X. Zoning – Public Hearing Items**

- A. **A PUBLIC HEARING** will be held to consider application #S15-02 filed by SSE DBA Top Fun for a Specific Use Permit (SUP) to allow for an Arcade in Heavy Commercial (C-2) Zoning District for Abstract 256 M Mann Survey Tract 1-05 Section 1 located at 111 H G Mosley – Angela Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 26 - 36](#)
- B. **A PUBLIC HEARING** will be held to consider application #Z15-20 filed by Samer E. Shalaby requesting a rezone from Single Family (SF-2) to General Retail (GR) for approximately 8.46 acres of Lot 2 and a portion of Lot 3 of L WOOLEY subdivision located at 2301 Judson Road – Angela

Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.**  
[Pages 37 - 47](#)

- C. **A PUBLIC HEARING** will be held to consider a request filed by Zhorne Family Limited Partnership Four to abandon a 35 foot wide street right-of-way known as Clay Street consisting of 0.736 acres located in the Skyway Acres A Subdivision, west of Airline Road, and south of Loop 281 – Angela Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 48 - 60](#)
- D. **A PUBLIC HEARING** will be held to consider a request filed by Zhorne Family Limited Partnership Four to abandon a 60 foot street right-of-way known as Kathy Street consisting of 0.484 acres located in the Skyway Acres A Subdivision, west of Airline Road, and south of Loop 281 – Angela Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 61 - 66](#)
- E. **A PUBLIC HEARING** will be held to consider a request filed by Zhorne Family Limited Partnership Four to abandon a 15 foot alley right-of-way consisting of 0.126 acres located between Lots 1-5, and Lots 15-18, Block 2, Skyway Acres A Subdivision and Lot 3, Block 1 Capital Plaza Center, west of Airline Road, and south of Loop 281 – Angela Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 67 - 72](#)
- F. **A PUBLIC HEARING** will be held to consider a request filed by Zhorne Family Limited Partnership Four to abandon a 15 foot alley right-of-way consisting of 0.165 acres located between Lots 3-7 and Lots 8-12, Block 1 Skyway Acres A Subdivision, west of Airline Road, and south of Loop 281 – Angela Choy, City Planner. **THIS ITEM REQUIRES A PUBLIC HEARING.** [Pages 73 - 80](#)

#### **XI. Action Item**

Consider an Ordinance ordering the General Election on May 7, 2016, for Council Members from City Council Districts 5 and 6, and contracting with the Gregg County Elections Administrator to provide the tabulation and supervision of the central counting station for the election – Shelly Ballenger, City Secretary. [Pages 81 - 85](#)

#### **XII. Items of Community Interest**

#### **XIII. Mayor Mack's Book Club**

#### **XIV. Mayor Mack's Scholarship Fund**

## **XV. Adjourn**

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made.

Para ayuda en español, por favor llame al 903.237.1000.

## **GREATER LONGVIEW UNITED WAY USE OF BROUGHTON REC CENTER**

<b>DESCRIPTION:</b>	Consider a resolution authorizing the Greater Longview United Way (GLUW) to use a room in the Broughton Recreation Center for the Volunteer Income Tax Assistance program (VITA). The VITA program offers free tax help to people who generally make \$54,000 or less, persons with disabilities, the elderly and limited English speaking taxpayers who need assistance in preparing their own tax returns. IRS-certified volunteers provide free basic income tax return preparation with electronic filing to qualified individuals. VITA will operate Mondays, Tuesdays and Thursday evenings from 5:30 PM until 9:00 PM and on Saturdays from 9:00 AM until 1:00 PM.
<b>RECOMMENDED ACTION:</b>	Passage of the resolution.
<b>SOURCE OF FUNDS:</b>	N/A
<b>STAFF CONTACT:</b>	Keith Bonds,P.E., Assistant City Manager 903-237-1051 <a href="mailto:kbonds@LongviewTexas.gov">kbonds@LongviewTexas.gov</a>
<b>COUNCIL DATE:</b>	January 14, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AN AGREEMENT WITH GREATER LONGVIEW UNITED WAY (“GLUW”) TO USE THE BROUGHTON RECREATION CENTER FROM JANUARY 25, 2016, UNTIL APRIL 14, 2016, FOR GLUW’S VOLUNTEER INCOME TAX ASSISTANCE PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the Greater Longview United Way (“GLUW”) annually provides, free of charge, assistance to individuals of low and moderate income in preparing their federal tax returns (said program of assistance hereinafter called the “volunteer income tax assistance program”); and,

WHEREAS, the City Council finds and determines that said volunteer income tax assistance program provides a valuable service to Longview citizens of modest means and, therefore, serves the public welfare and constitutes a public purpose; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager’s designee and/or other official of the City as shall be required is/are hereby authorized to negotiate and execute any and all agreements and other documents, as approved by the City Attorney’s

Office, necessary or convenient to allow GLUW to use the Broughton Recreation Center from January 25, 2016, until April 14, 2016, for GLUW's volunteer income tax assistance program.

Section 3. That the volunteer income tax assistance program serves a public purpose and, as such, may serve as consideration to the City of Longview for use of Broughton Recreation Center as contemplated herein, and no other consideration shall be required from GLUW for use of Broughton Recreation Center for the volunteer income tax assistance program as contemplated herein.

Section 4. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R CM GLUW RENT BROUGHTON 1-14-16



## **ATHLETIC COMPLEX MOWING SERVICES**

**DESCRIPTION:** This item is for an annual agreement for athletic complex mowing services for the City of Longview athletic complexes. In this agreement work is performed according to a predetermined set schedule throughout the year. Work to be performed will include, but is not limited to mowing, trimming, weed control, edging and mulching.

Athletic Complex Mowing Services bids were advertised in the local newspaper as required by law. On December 9, 2015, 11 bids were received and opened.

The bids were from:

C& C Logging & Tree Service - \$90,650.00  
TLC Lawn & Landscaping-\$92,680.00  
Pro Mowers-\$106,236.00  
DNC Cleaning - \$119,880.00  
H&S Lawn Service-\$127,740.00  
HX Farms, Inc.-\$135,480.00  
Campos Lawn Care-\$185,080.00  
Southern Grounds Maintenance-\$193,094.00  
Copious Operations-\$204,430.00  
Always Green Lawn & Landscaping-\$279,350.00  
Meadows Mowing-\$304,224.00

**RECOMMENDED ACTION:** Approval of the Resolution awarding C&C Logging and Tree Service of Longview, Texas the Athletic Complex Mowing Services bid # 1516-06

**SOURCE OF FUNDS:** 001-008-000-5190, Maintenance Contracts

**STAFF CONTACTS:** Jaye Latch, Purchasing Manager  
903-237-1324  
[jlatch@longviewtexas.gov](mailto:jlatch@longviewtexas.gov)

Dwayne Archer, Assistant Public Works Director  
903-237-1287  
[darcher@longviewtexas.gov](mailto:darcher@longviewtexas.gov)

**COUNCIL DATE:** January 14, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF C&C LOGGING & TREE SERVICE OF LONGVIEW, TEXAS, FOR ATHLETIC COMPLEX MOWING SERVICES; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND C&C LOGGING & TREE SERVICE OF LONGVIEW, TEXAS, FOR SAID SERVICES; AUTHORIZING THE RENEWAL OF SAID CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview issued and advertised an invitation to bid for athletic complex mowing services for the City of Longview athletic parks; and,

WHEREAS, C&C Logging & Tree Service of Longview, Texas submitted the lowest and best bid for athletic complex mowing services; and,

WHEREAS, funding will be provided from budgeted funds for the corresponding budget year; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby

in all things approved and adopted.

Section 2. That the bid submitted by C&C Logging & Tree Service of Longview, Texas is the lowest and best bid submitted to the City of Longview for athletic complex mowing services.

Section 3. That the City of Longview hereby accepts the aforementioned bid from C&C Logging & Tree Service of Longview, Texas.

Section 4. That the total amount of the contract for athletic complex mowing services to be provided by C&C Logging & Tree Service of Longview, Texas, shall not exceed budgeted funds for Fiscal Year 2015-2016.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office incident to the acceptance on behalf of the City of Longview of aforesaid bid from C&C Logging & Tree Service of Longview, Texas for athletic complex mowing services.

Section 6. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 7. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 8. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 14th day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R BID PARKS ATHLETIC COMPLEX MOWING SERVICES 01-14-2016

## 2015 CDBG LAKE DRIVE IMPROVEMNETS

**DESCRIPTION:** Consider a resolution awarding a contract in the amount of \$332,638.25 and authorizing the City Manager or his designee to execute any necessary documents with Excel Utility Construction, Inc. of Longview, Texas the construction of the referenced project. The following six proposals were opened on December 17, 2015:

Bidder	Amount
Excel Utility Construction, Inc. Longview, Texas	\$332,638.25
7-H Construction Co Inc. Tyler, Texas	\$373,867.00
W.M. Miller Construction, Inc. Judson, Texas	\$381,183.50
East Texas Bridge, Inc. Longview, Texas	\$400,000.25
RBIS, LLC Texarkana, Texas	\$489,558.00
AAA Sanitation, Inc. Tyler, Texas	\$506,818.50

The scope of work includes the repair and construction of a 6-inch water and a 6-inch sewer line, consisting of the installation of 1,200 linear feet of water line, 1,200 linear feet of sewer, street repair and appurtenances along Lake Drive between Pine Street and Lettie Street.

Hayes Engineering has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to Excel Utility Construction, Inc. in the amount of \$332,638.25. Staff concurs with their recommendation.

**RECOMMENDED ACTION:** Passage of the resolution.

**SOURCE OF FUNDS:** Funding is available from Utility CIP Fund.

**STAFF CONTACT:** Rolin McPhee, P.E., Director of Public Works  
903-237-1336  
[rmcphee@LongviewTexas.gov](mailto:rmcphee@LongviewTexas.gov)

**COUNCIL DATE:** January 14, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF EXCEL UTILITY CONSTRUCTION, INC. OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "2015 CDBG LAKE DRIVE IMPROVEMENTS"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND EXCEL UTILITY CONSTRUCTION, INC., FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview desires to begin construction of the project known as "2015 CDBG Lake Drive Improvements"; and,

WHEREAS, this project provides for the construction of approximately 1,200 feet of 6" water main and related work along Lake Drive between Pine and Lettie Streets; and,

WHEREAS, funding for this project is provided from the from the Utility CIP Fund; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by Excel Utility Construction, Inc., of Longview, Texas for construction of the project known as “2015 CDBG Lake Drive Improvements” is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by Excel Utility Construction, Inc., in the amount of \$332,638.25.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney’s Office, incident to the acceptance on behalf of the City of Longview of a bid by Excel Utility Construction, Inc., for the project known as “2015 CDBG Lake Drive Improvements”.

Section 5. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 6. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW CDBG LAKE DRIVE IMPROVEMENTS 1-14-16



## FM 2275 UTILITY RELOCATIONS AT GRAYSTONE AND McCANN ROAD

**DESCRIPTION:** Consider a resolution awarding a contract in the amount of \$199,650.00 and authorizing the City Manager or his designee to execute any necessary documents with Excel Utility Construction, Inc. of Longview, Texas the construction of the referenced project. The following eight proposals were opened on December 17, 2015:

Bidder	Amount
Excel Utility Construction, Inc. Longview, TX	\$199,650.00
7-H Construction Co Inc. Tyler, TX	\$232,995.00
David Lawler Constuction Shreveport, LA	\$239,045.00
J W Burgess, Inc. Beckville, TX	\$249,875.00
Duplichain Contractors, LLC Alto, TX	\$254,025.00
W.M. Miller Construction, Inc. Judson, TX	\$295,520.98
East Texas Bridge, Inc. Longview, TX	\$325,450.00
McKinney & Moore of Texas, LP Jacksonville, TX	\$349,515.00

The scope of work includes the repair and construction of 560 linear feet of 24-inch water main, 810 linear feet 12-inch water main, two sewer cleanouts on Graystone Road and 270 linear feet of 12-inch water main on McCann Road.

Hayes Engineering has examined the bids and the qualifications of the low bidder, and recommends that the City award the contract to Excel Utility Construction, Inc. in the amount of \$199,650.00. Staff concurs with their recommendation.

**RECOMMENDED ACTION:** Passage of the resolution.

**SOURCE OF FUNDS:** Funding is available from Utility CIP Fund.

**STAFF CONTACT:** Rolin McPhee, P.E., Director of Public Works  
903-237-1336  
[rmcphee@LongviewTexas.gov](mailto:rmcphee@LongviewTexas.gov)

**COUNCIL DATE:** January 14, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF EXCEL UTILITY CONSTRUCTION, INC. OF LONGVIEW, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "FM 2275 UTILITY RELOCATIONS AT GRAYSTONE AND MCCANN ROAD"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND EXCEL UTILITY CONSTRUCTION, INC., FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview desires to begin construction of the project known as "FM 2275 Utility Relocations at Graystone and McCann Road"; and,

WHEREAS, this project provides for the construction of approximately 560 linear feet of 24" water main, 810 linear feet of 12" water main, two sewer cleanouts and related work on Graystone Road; and,

WHEREAS, additionally this project provides for the construction of approximately 270 linear feet of 12" water main and related work McCann Road; and,

WHEREAS, funding for this project is provided from the from the Utility CIP Fund;  
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW,  
TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by Excel Utility Construction, Inc., of Longview, Texas for construction of the project known as “FM 2275 Utility Relocations at Graystone and McCann Road” is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by Excel Utility Construction, Inc., in the amount of \$199,650.00.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney’s Office, incident to the acceptance on behalf of the City of Longview of a bid by Excel Utility Construction, Inc., of Longview, Texas for the project known as “FM 2275 Utility Relocations at Graystone and McCann Road”.

Section 5. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 6. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R PW UTILITY RELOCATION GRAYSTONE & MCCANN 1-14-16

**APPROVE APPLICATION FOR A SABINE RIVER AUTHORITY OF TEXAS GRANT FOR  
THE LONGVIEW ARBORETUM AND NATURE CENTER**

<b>DESCRIPTION:</b>	<p>The City of Longview in conjunction with the Longview Arboretum and Nature Center 501-C-3 would like to apply for a Community Assistance Grant from the Sabine River Authority of Texas in the amount of \$10,000.</p> <p>The Arboretum is located on 28.62 acres of park land adjacent to the Maude Cobb Activity Center and is within the Sabine River watershed. The grant falls within the "Water Conservation" category which will promote and improve water use efficiency for the property.</p>
<b>RECOMMENDED ACTION:</b>	Approval to apply for and if approved, accept a Sabine River Authority of Texas Community Assistance Grant for the Longview Arboretum and Nature Center.
<b>SOURCE OF FUNDS:</b>	No match is required, but application includes in-kind donations from Gregg County and the City of Longview as well as donations made to Longview Arboretum and Nature Center 501-C-3.
<b>STAFF CONTACT:</b>	Laura Hill, Director of Community Services 903-237-1392 <a href="mailto:lhill@longviewtexas.gov">lhill@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	January 14, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE SABINE RIVER AUTHORITY OF TEXAS FOR DEVELOPMENT OF THE LONGVIEW ARBORETUM AND NATURE CENTER; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; AUTHORIZING THE ACCEPTANCE OF ALL GRANT REQUIREMENTS AND PROGRAM RULES OF THE SABINE RIVER AUTHORITY OF TEXAS RELATED TO SAID GRANT; PROVIDING FOR MATCHING FUNDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Longview has previously designated the 28.62 acres of land adjacent to the eastern boundary of the Maude Cobb Activity Complex for the construction of the Longview Arboretum and Nature Center; and,

WHEREAS, the City of Longview in the State of Texas is qualified to apply for grant funds under the Community Assistance Grant Program; and,

WHEREAS, the City of Longview is desirous of authorizing an official to represent and act for the City of Longview in dealing with the Sabine River Authority of Texas concerning the Community Assistance Grant Program; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview supports development of this project as shown in the adopted Comprehensive Plan.

Section 3. That the City of Longview is hereby authorized to submit an application for the grant program referenced herein with the Sabine River Authority of Texas in a timely manner.

Section 4. That the City Manager through the City Manager's designee, is hereby authorized to execute all necessary documents, as approved by the City Attorney's Office, incident to applying for, securing and expending said grant funds referenced herein from the Sabine River Authority of Texas Community Assistance Grant Program.

Section 5. That, if funded, the City of Longview will comply with applicable grant requirements and program rules of the Sabine River Authority of Texas.

Section 6. The grant funds will be used only for the purposes for which they are intended under the grant.

Section 7. Any matching funds provided by the City of Longview will be from authorized in kind donations.

Section 8. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 14th day of January, 2016.

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Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

R CSA SABINE RIVER AUTHORITY GRANT 01-14-16



**CONSIDER APPROVAL OF THE FOLLOWING MINUTES**

October 29, 2015 and November 12, 2015

**SPECIFIC USE PERMIT (SUP) FOR AN ARCADE IN HEAVY COMMERCIAL (C-2)  
ZONING DISTRICT FOR AB 256 M MANN SURVEY TRACT 1-05 SECTION 1  
LOCATED AT 111 H G MOSLEY**

<b>DESCRIPTION:</b>		A PUBLIC HEARING will be held to consider application #S15-02 filed by SSE DBA Top Fun for a Specific Use Permit (SUP) to allow for an Arcade in Heavy Commercial (C-2) Zoning District for Abstract 256 M Mann Survey Tract 1-05 Section 1 located at 111 H G Mosley.
<b>RECOMMENDED ACTION:</b>		Planning & Zoning Commission (8-0) and Staff recommend approval.
<b>STAFF CONTACT:</b>		Angela Choy, AICP, City Planner
		903-237-1073
		<a href="mailto:achoy@LongviewTexas.gov">achoy@LongviewTexas.gov</a>
<b>COUNCIL DATE:</b>		January 14, 2016

## STAFF REPORT

December 15, 2015

**APPLICANT:** SSE DBA Top Fun

**LOCATION:** 111 H.G. Moseley Parkway

**REQUEST:** Specific Use Permit (SUP) for an arcade in Heavy Commercial (C-2)

	<b><u>ZONING</u></b>	<b><u>LAND USE</u></b>
SUBJECT PARCEL	C2	Vacant building
NORTH	A	Vacant
SOUTH	A	Lear Park
WEST	A	Vacant
EAST	A	Lear Park

**COUNCIL DISTRICT:**

District 2 – Council Member Nona Snoddy

**FUTURE LAND USE:**

The Comprehensive Plan designates this area for Retail.

**STAFF COMMENTS:**

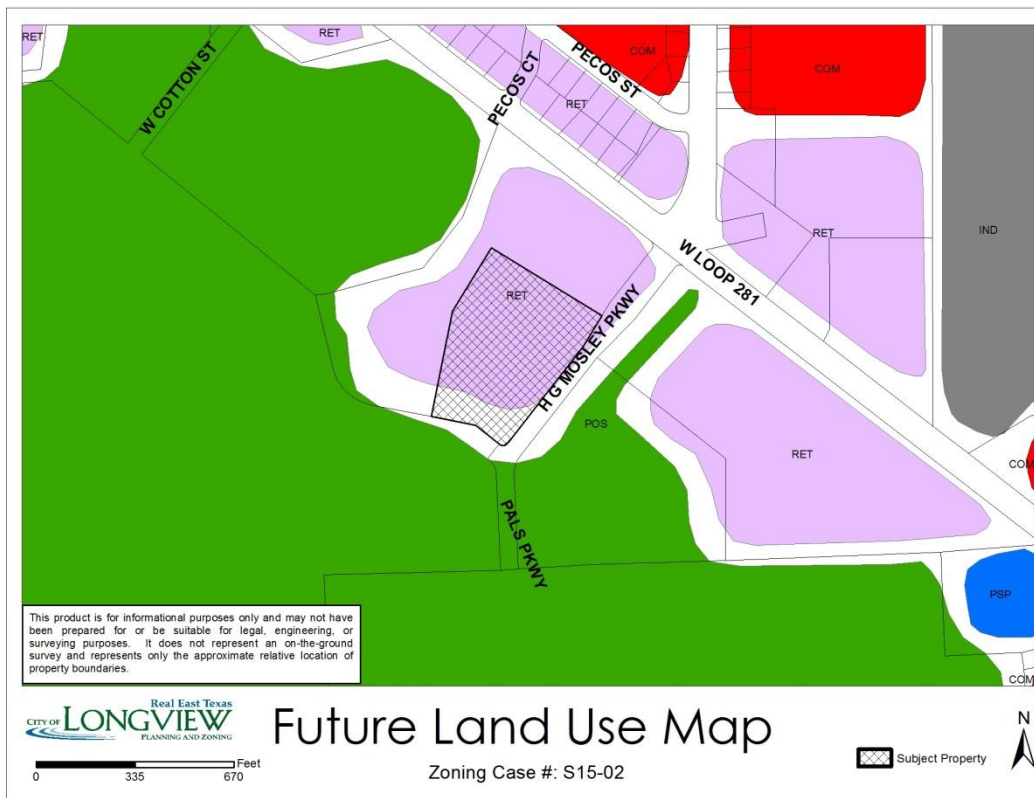
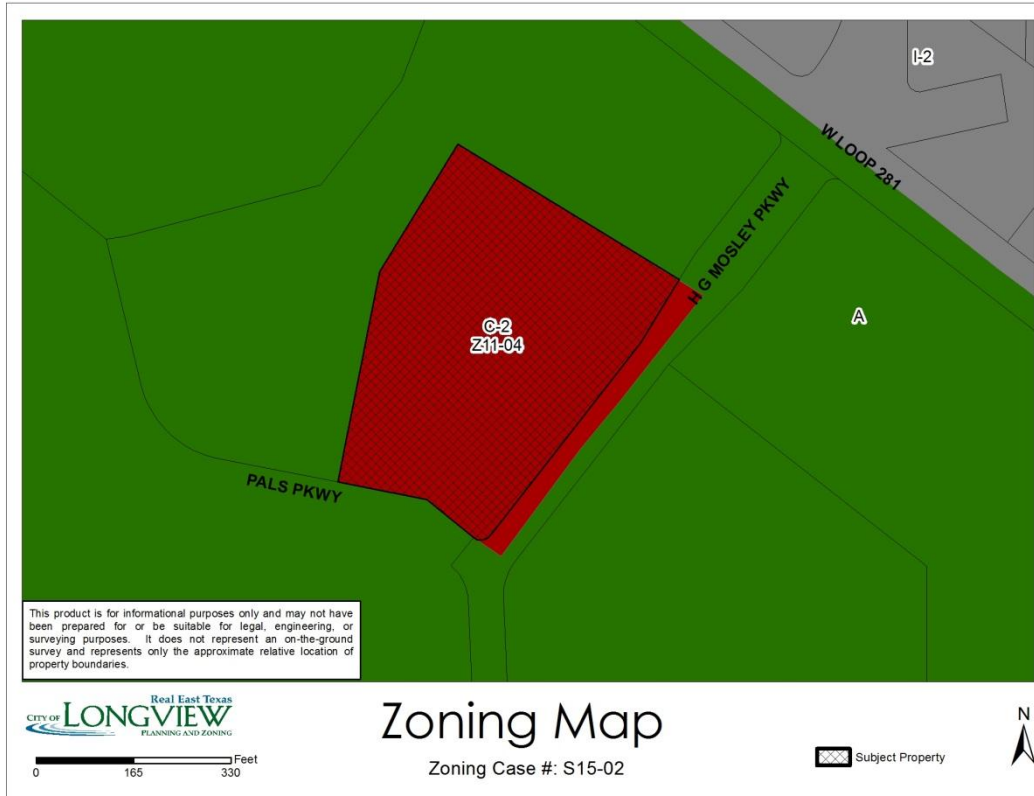
The applicant is requesting a Specific Use Permit (SUP) to allow for an arcade in Heavy Commercial (C-2) Zoning District. A Specific Use Permit is required for an arcade within C-2 zoning district to ensure no negative impact on surrounding properties.

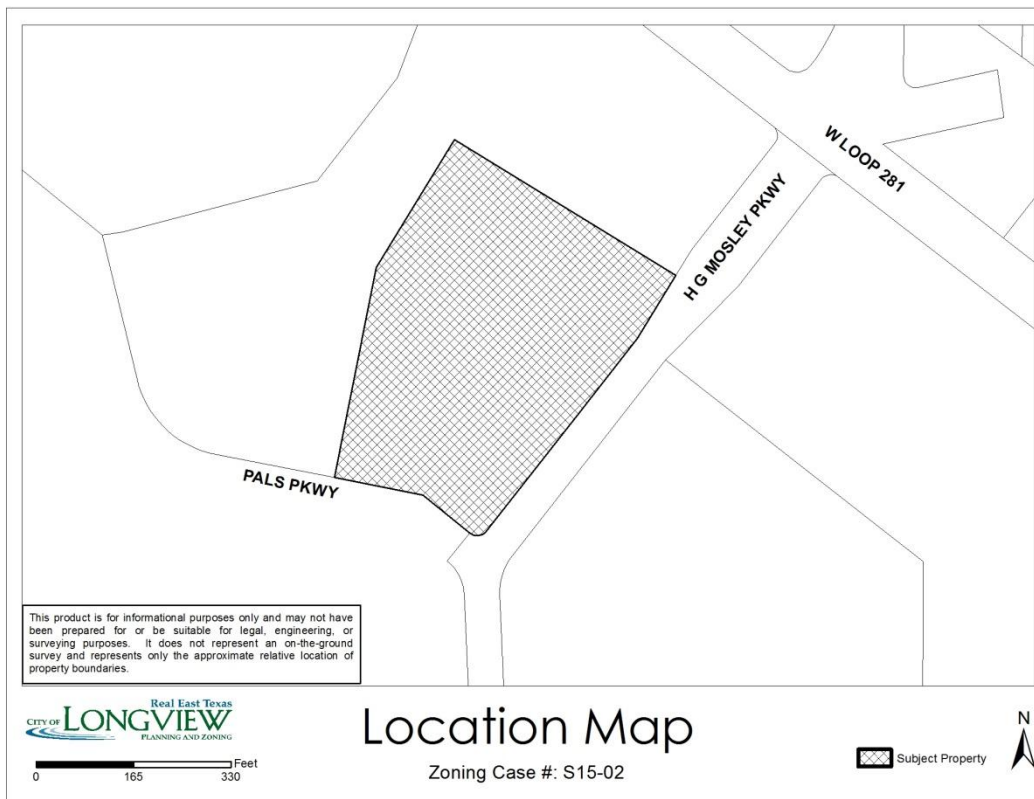
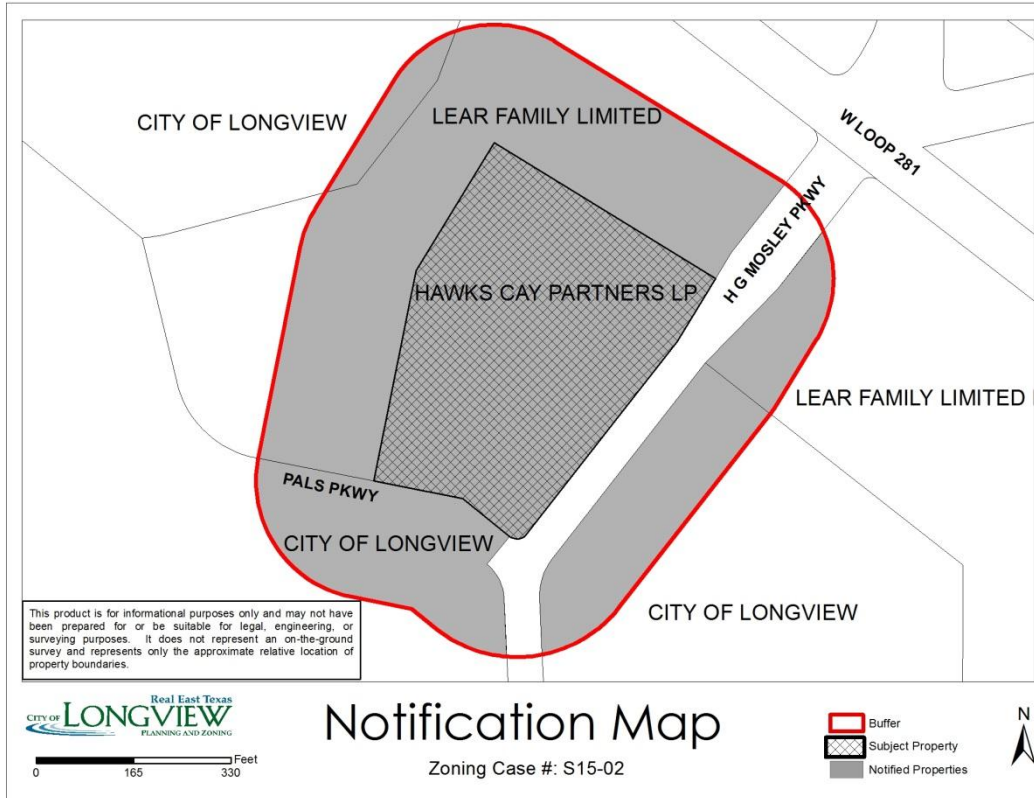
H.G. Mosley Parkway is a minor arterial which is appropriate for this type of use. Minor arterial roads are high-capacity urban roads and the primary function of minor arterial roads is to deliver traffic between lower classification roadways and principal arterials and freeways.

Staff finds this type use compatible with the surrounding zoning.

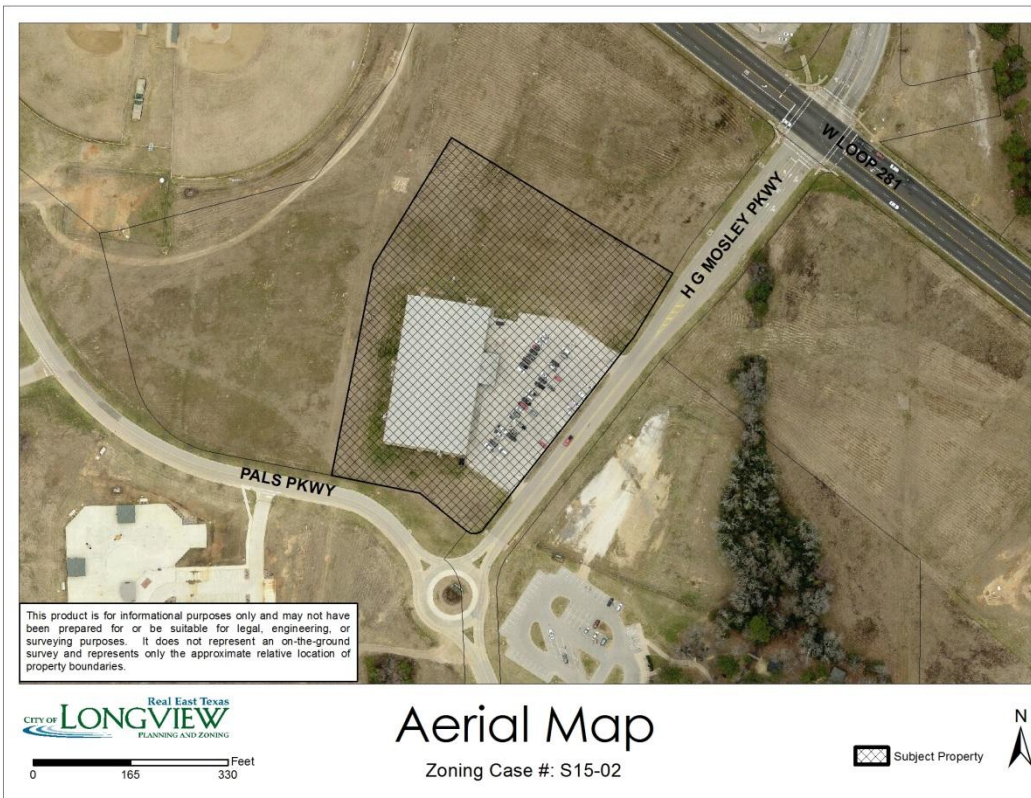
**STAFF RECOMMENDATION:**

Planning and Zoning Commission (8-0) and Staff recommends **approval** of this request.

















ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY TO-WIT: THAT A SPECIFIC USE PERMIT (SUP) IS HEREBY GRANTED FOR AN ARCADE IN COMMERCIAL (C-2) ZONING DISTRICT FOR AB 256 M MANN SURVEY TRACT 1-05 SECTION 1 LOCATED AT 111 H G MOSLEY; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with Charter of the City of Longview and the State laws in reference to the granting of such permits under the Zoning Ordinance regulations and zoning map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof regarding the re-zoning, proposed use or improvement of the property herein described, the City Council

of the City of Longview, Texas, being of the opinion that said special use permit should be granted; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the basic zoning ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinances of the City of Longview, be, and it is hereby amended insofar as it applies to the following described property, to-wit: that a specific use permit is hereby granted for a Specific Use Permit (SUP) to allow for an Arcade in Commercial (C-2) Zoning District for AB 256 M Mann Survey Tract 1-05 Section 1 located at 111 H G Mosley.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such

penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

---

Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z S15-02 1-14-16

**SINGLE FAMILY (SF-2) TO GENERAL RETAIL (GR) FOR APPROXIMATELY 8.46  
ACRES OF LOT 2 AND A PORTION OF LOT 3 OF L WOOLEY SUBDIVISION LOCATED  
AT 2301 JUDSON ROAD**

<b>DESCRIPTION:</b>		A PUBLIC HEARING will be held to consider application #Z15-20 filed by Samer E. Shalaby requesting a rezone from Single Family (SF-2) to General Retail (GR) for approximately 8.46 acres of Lot 2 and a portion of Lot 3 of L WOOLEY subdivision located at 2301 Judson Road.
<b>RECOMMENDED ACTION:</b>		Planning and Zoning Commission (7-1) and Staff recommends approval.
<b>STAFF CONTACT:</b>		Angela Choy, AICP, City Planner
		903-237-1073
		<a href="mailto:achoy@LongviewTexas.gov">achoy@LongviewTexas.gov</a>
<b>COUNCIL DATE:</b>		January 14, 2016

## STAFF REPORT

January 14, 2016

**APPLICANT:** Samer E. Shalaby  
**LOCATION:** Approximately 8.46 acres of Lot 2 and a portion of Lot 3 of L WOOLEY subdivision located at 2301 Judson Road.  
**REQUEST:** Rezone from Single Family (SF-2) to General Retail (GR).

	<b><u>ZONING</u></b>	<b><u>LAND USE</u></b>
SUBJECT PARCEL	SF-2	Residential Vacant
NORTH	GR	Retail Sales
SOUTH	SF-2	Residential
WEST	SF-2	Vacant
EAST	GR	Retail Sales

**COUNCIL DISTRICT:**

District 6 – Council Member Sidney Allen

**FUTURE LAND USE:**

The Comprehensive Plan designates this area for Mixed Use Neighborhood.

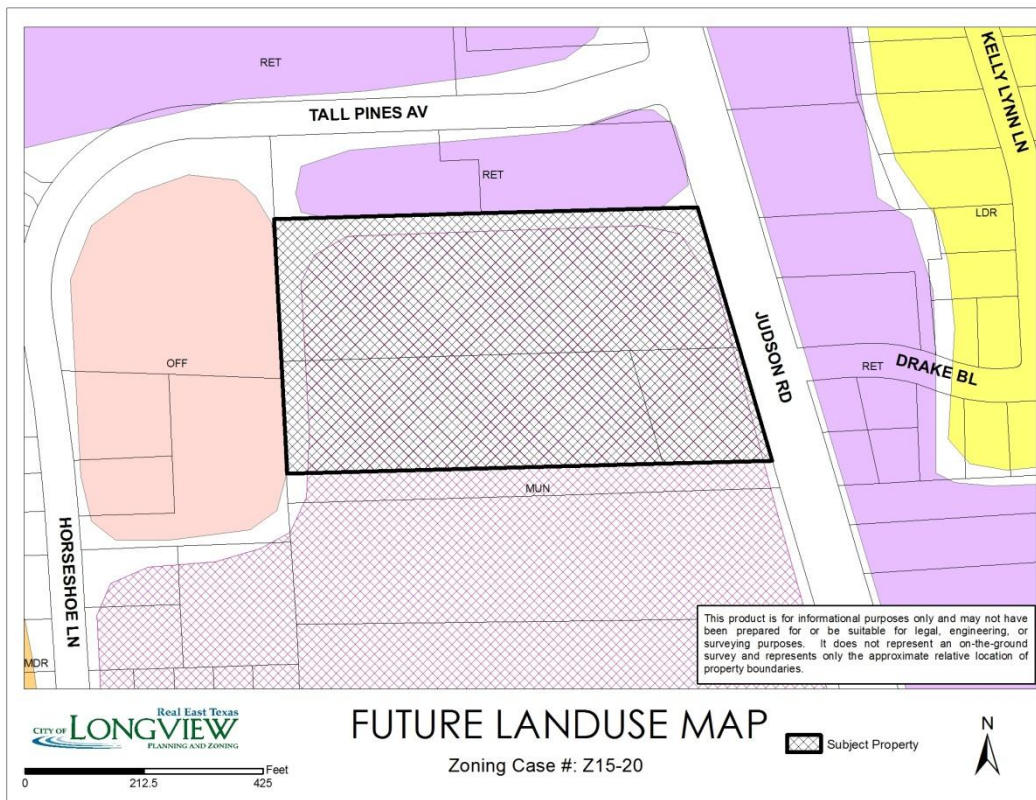
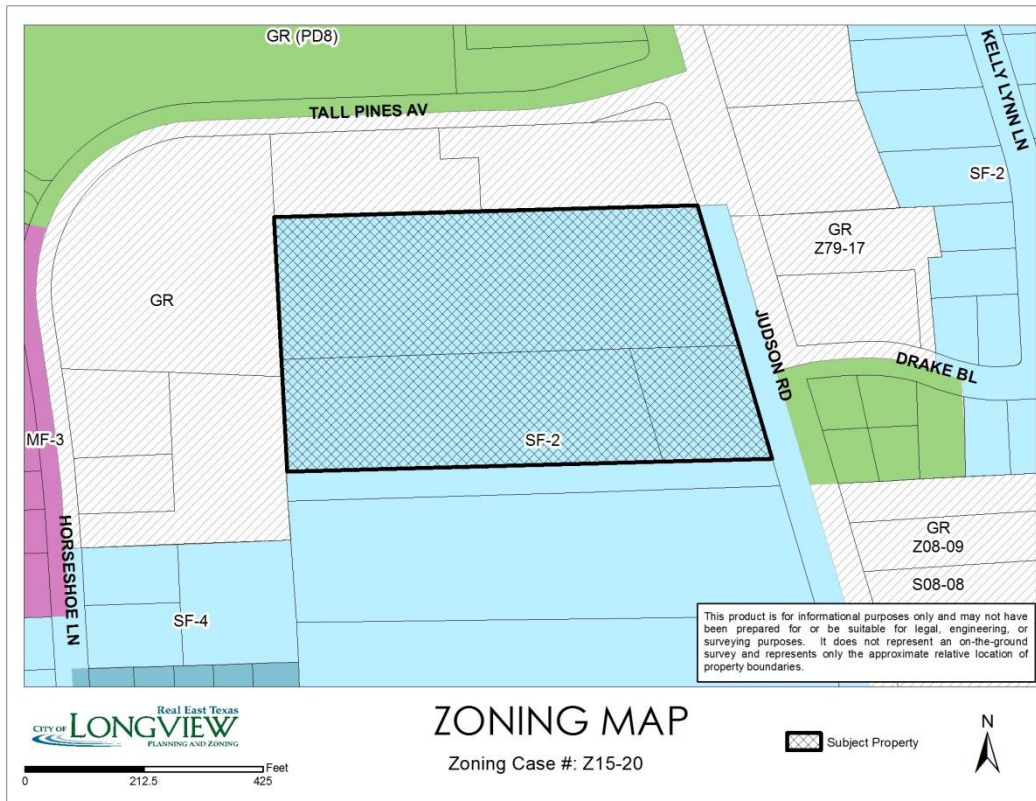
**STAFF COMMENTS:**

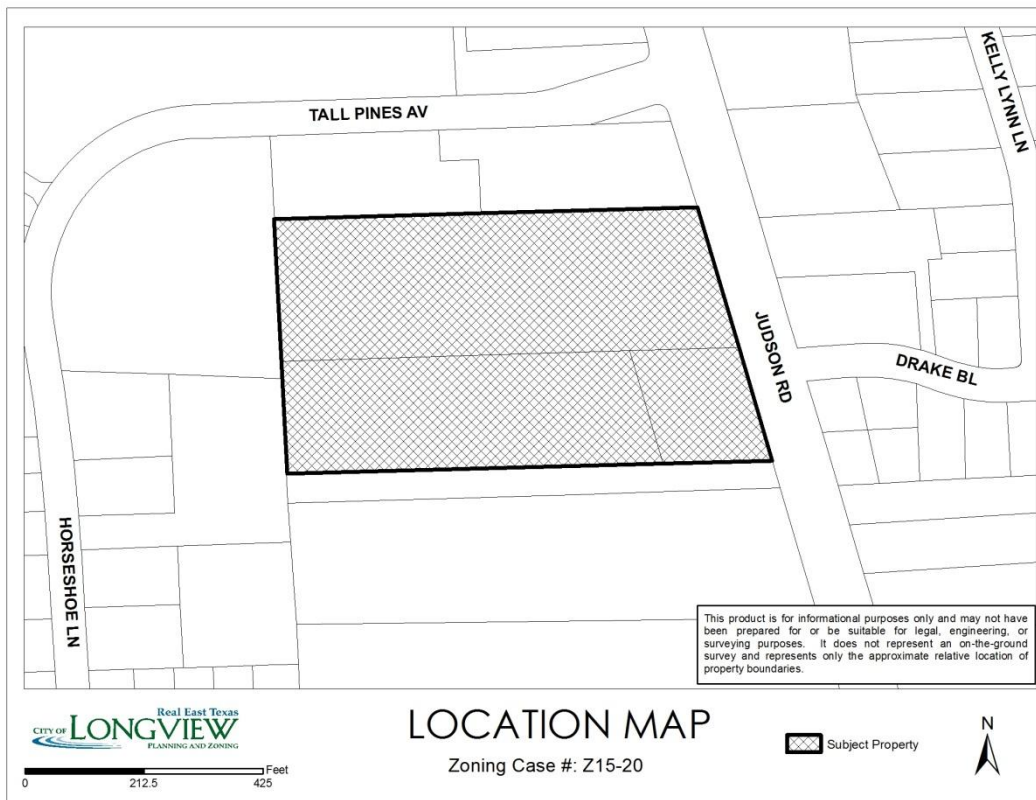
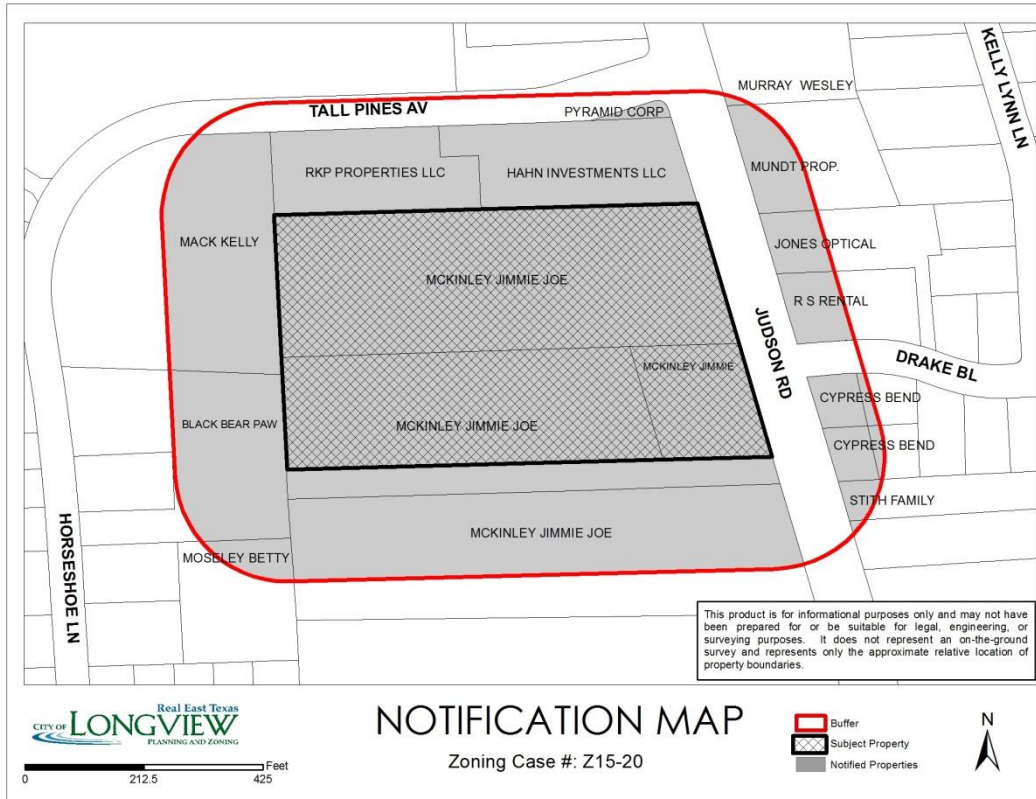
The applicant is requesting a rezone from Single Family (SF-2) to General Retail (GR) to allow for a medical office at 2301 Judson Road.

Judson Road is a principal arterial roadway, which is appropriate for office and retail type uses. Staff finds the proposed zoning change is consistent with surrounding uses.

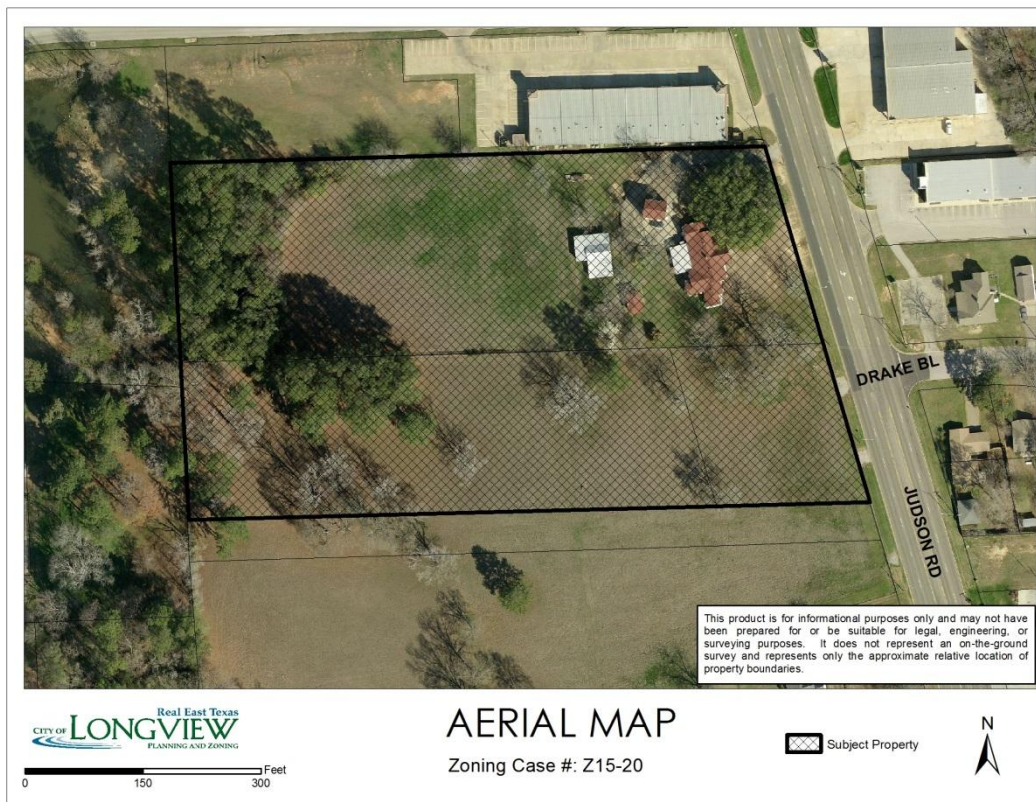
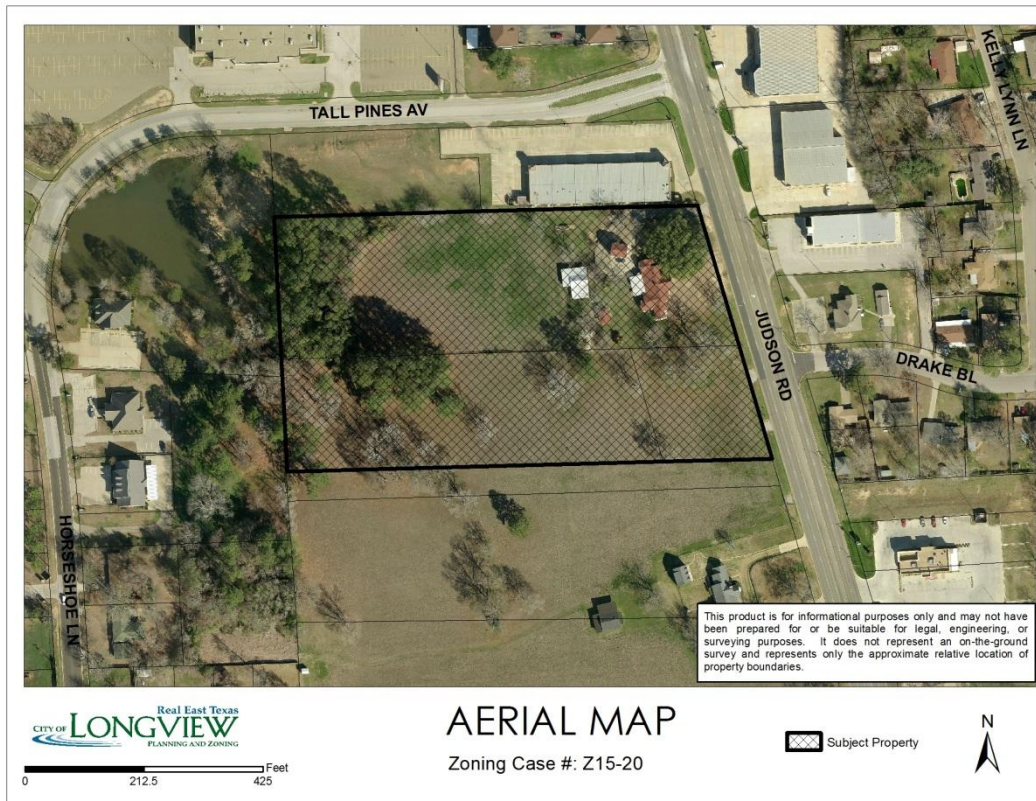
**STAFF RECOMMENDATION:**

Planning and Zoning Commission (7-1) and Staff recommends approval of this request.

















ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 8.46 ACRES OF LOT 2 AND A PORTION OF LOT 3 OF L WOOLEY SUBDIVISION LOCATED AT 2301 JUDSON ROAD BE REZONE FROM SINGLE FAMILY (SF-2) TO GENERAL RETAIL (GR); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the

opinion that the zoning changes should be made as set forth herein; NOW,  
THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
LONGVIEW, TEXAS:

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 8.46 acres of Lot 2 and a portion of Lot 3 of L Wooley subdivision located at 2301 Judson Road be rezone from Single Family (SF-2) to General Retail (GR).

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the

title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O P&Z Z15-20 1-14-16

## **STAFF REPORT**

**January 14, 2015**

**APPLICANT:** Zhorne Family Limited Partnership Four  
**LOCATION:** Within the Skyway Acres A Subdivision, west of Airline Road and south of Loop 281.  
**REQUEST:** To abandon an 35 foot wide street right-of-way known as Clay Street, an 60 foot wide street right-of-way known as Kathy Street, a 15 foot alley right-of-way east of Kathy Street, and a 15 foot alley right-of-way west of Kathy Street.

**COUNCIL DISTRICT:**

District 2 – Council Member Kristen Ishihara

**ZONING DISTRICT:**

Planned Development (PD15-15)

**STAFF COMMENTS:**

The applicant is requesting to abandon the remainder of Clay Street, all of Kathy Street, and two alleyways located between Airline Road and Judson Road, south of Loop 281.

Portions of Clay Street were previously abandoned by City Council for development of Raising Cane's and Golden Corral.

The applicant would like to incorporate the streets and alleys into his development. His planned development site plan was approved by City Council in December 2015. This site plan included the utilization of the streets and alleyways as part of the development.

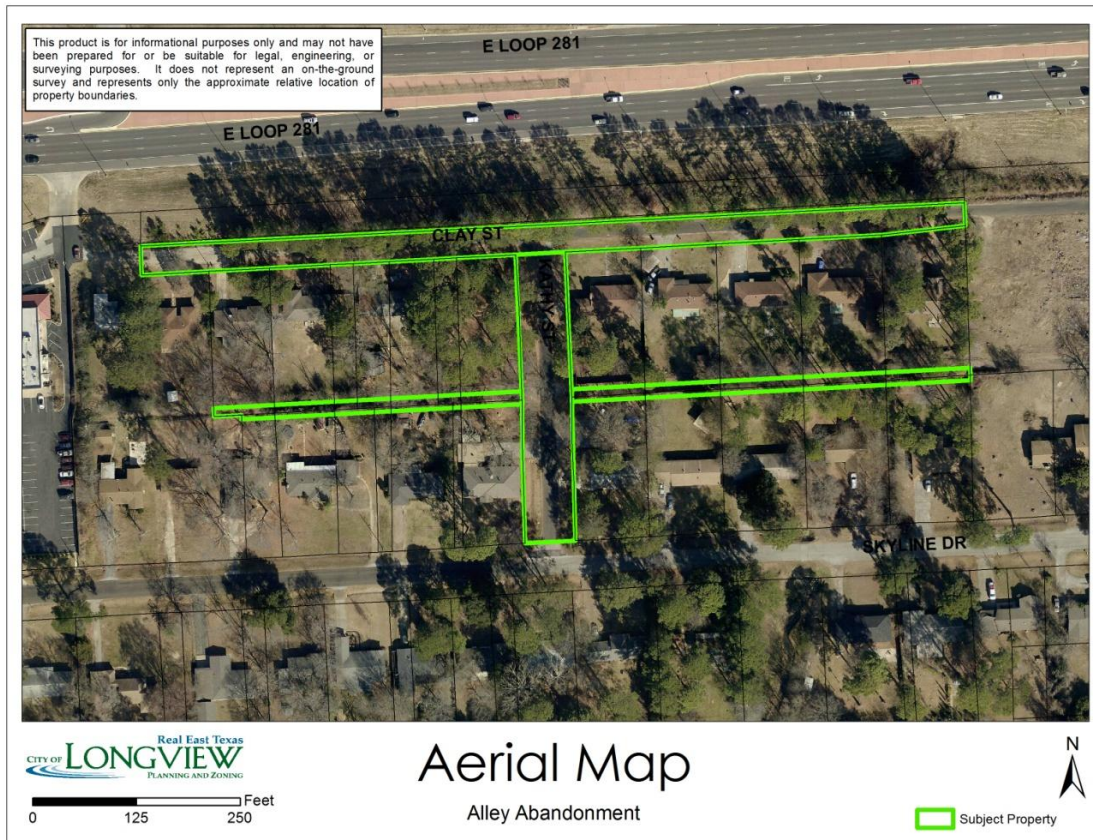
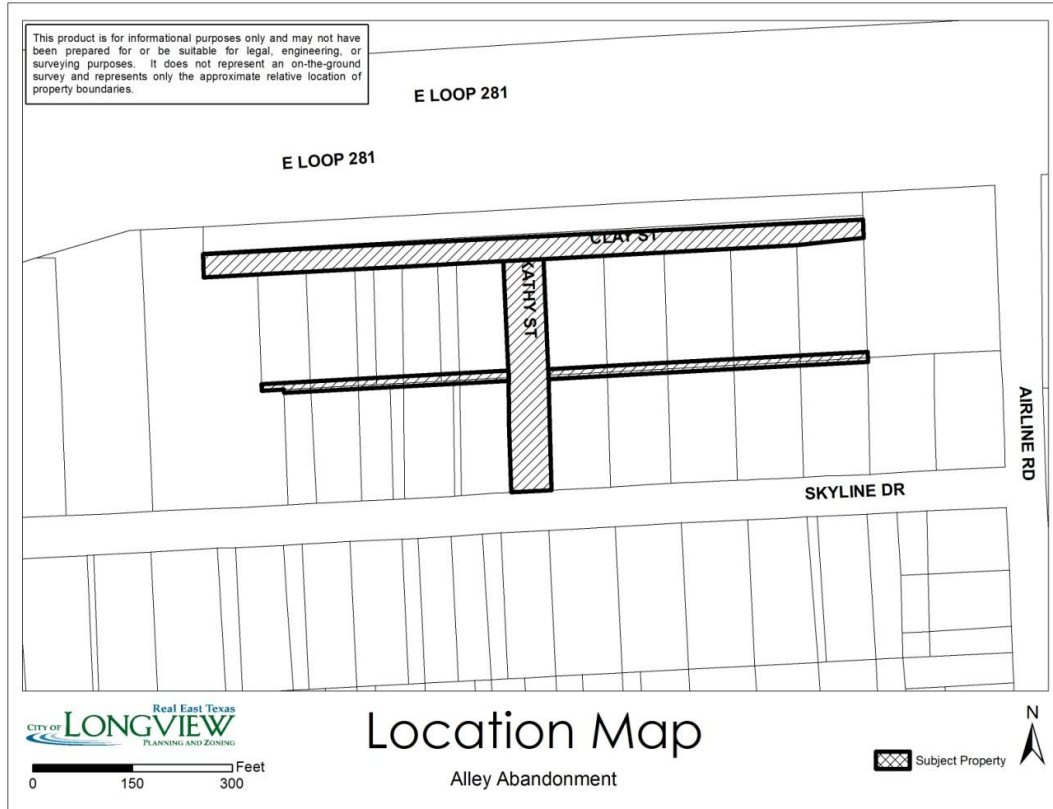
Clay Street has a 35 foot right-of-way width with a 21 foot wide pavement section. Kathy Street has a 60 foot right-of-way width with a 20 foot wide pavement section. Both alleys have a 15 foot right-of-way width with 10 foot wide pavement sections. All streets and alleys are not curbed and guttered.

All public utility companies have reviewed and have signed off on the proposed abandonment. Easements will be secured for the public infrastructure located within this development.

**STAFF RECOMMENDATION:**

Staff recommends approval of this request.













ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A 35 FOOT-WIDE STREET RIGHT-OF-WAY KNOWN AS CLAY STREET, CONSISTING OF ONE PARCEL OF LAND TOTALING 0.736 ACRES, MORE OR LESS, EXTENDING ALONG LOTS 1-5, BLOCK 2, AND LOTS 3-7, BLOCK 1 SKYWAY ACRES A SUBDIVISION, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, P.P. RAINS SURVEY, A-258; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AND HOLDING THE CITY HARMLESS AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has received a request from the owners of Lots 1-5, Block 2, Lots 5-7, Block 1, and Lots 3-4, Block 1 Skyway Acres A Subdivision, P.P. Rains Survey, A-258, City of Longview, Gregg County, Texas, that the City's interest, in a 35 foot wide (0.736 acre) portion of a public street right-of-way known as Clay Street located adjacent to said property and extending between Judson Road and Airline Road; and,

WHEREAS, the aforesaid portion of street right-of-way consists of two parcels of land described in the attached Exhibit A and shown on the attached Exhibit B; and,

WHEREAS, Zhorne Family Limited Partnership Four and 206 Clay Street, LLC wishes to include part of the street into their property; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines that according to those guidelines there are no improvements to the subject right-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B are made a part of this ordinance for all purposes.

Section 3. That the City hereby abandons the City's interest in each of the two parcels of land described in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City Secretary to attest to one or more Deeds to Evidence Abandonment of Public Alley

Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City and holding the City harmless as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) located within said right-of-way, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

O PLANNING ABANDON SKYWAY ACRES A (CLAY ST) 1-14-16



## Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA

910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

### SKYWAY ACRES "A" ABANDONMENT LEGAL DESCRIPTIONS

#### 0.575 Acre Tract - Part of Clay Street

All that certain 0.575 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Clay Street, in Skyway Acres "A", according to the plat of same recorded in Volume 363, Page 332, of the Deed Records of Gregg County, Texas, said 0.575 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the east line of Lot 2, Block 1 of Capital Plaza Center according to the Plat of same recorded in Clerk's File No. 201420991 of the Official Public Records of Gregg County, Texas, in the north right of way line of Clay Street, and in the south line of the called "Tract 2" conveyed to Zhome Family Limited Partnership Four by Warranty deed recorded in Clerk's File No. 201509050 of said Official Public records;

THENCE: N 86°53'22" E with the south line of said called "Tract 2 and the north right of way line of Clay Street 715.91 feet to a 5/8" iron rod found for the southwest corner of the 0.154 acre tract conveyed to 206 Clay Street. LLC by Warranty Deed recorded in Clerk's File No. 201516203 of said Official Public Records, and northeast corner of this tract;


THENCE: S 02°31'49" E crossing Clay Street 35.00 feet to a 1/2" iron pipe found in the south right of way line of Clay Street for the northwest corner of Lot 4 and the northeast corner of Lot 5, Block 1, of Skyway Acres "A", and the southeast corner of this tract;

THENCE: S 86°53'22" W with the south right of way line of Clay Street, at 281.07 feet pass a 5/8" iron rod found for the northwest corner of Lot 7, Block 1, of Skyway Acres "A", at 341.09 feet pass a 5/8" iron rod found for the northeast corner of Lot 1, Block 1, of Skyway Acres "A", and continuing with the south right of way line of Clay Street for a total distance of 716.20 feet to a 5/8" iron rod found in the east line of said Lot 2, Block 1 of Capital Plaza Center, for the southwest corner of this tract;

THENCE: N 02°03'20" W with the east line of said Lot 2, Block 1, of Capital Plaza Center, 35.01 feet to the POINT OF BEGINNING of this tract, containing 0.575 acre of land, more or less.

I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.



  
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES 0.575 AC ABANDONMENT.DOCX

## Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA  
**SKYWAY ACRES "A" ABANDONMENT  
LEGAL DESCRIPTIONS**

### 0.161 Acre Tract

All that certain 0.161 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Clay Street, according to the plat of Skyway Acres "A", recorded in Volume 366, Page 104, of the Deed Records of Gregg County, Texas, said 0.161 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the south right of way line of said Clay Street for the northeast corner of Lot 3, Block 1, of said Skyway Acres "A", for the southeast corner of this tract;

THENCE: S 86°54'23" W with said right of way line 200.02 feet to a 1/2" iron pipe found for the northwest corner of Lot 4, of said Block 1, and the southwest corner of this tract;

THENCE: N 02°31'49" W 35.00 feet to a 5/8" iron rod found in the north right of way line of said Clay Street for the southwest corner of the 0.154 acre tract conveyed to 206 Clay Street, LLC, by Warranty Deed recorded in Clerk's File No. 201516203 of the Official Public Records of Gregg County, Texas, and for the northwest corner of this tract;

THENCE: N 86°54'23" E 200.32 feet to a 5/8" iron rod found in same for the southeast corner of said 0.154 acre tract and the northeast corner of this tract;

THENCE: S 02°02'25" E 35.01 feet to the POINT OF BEGINNING, containing 0.161 acre of land, more or less.

### 0.068 Acre Tract

All that certain 0.068 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Lots 3, 4, 11 and 12, Block 1, of Skyway Acres "A", according to the plat of same recorded in Volume 366, Page 104, of the Deed Records of Gregg County, Texas, said 0.068 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the west line of said Lot 4 for the northwest corner of this tract;

THENCE: N 86°54'27" E 198.57 feet to a point for the northeast corner of this tract;


THENCE: S 02°01'29" E 15.00 feet to a point for the southeast corner of this tract;

THENCE: S 86°54'27" W 198.43 feet to a point for the southwest corner of this tract;

THENCE: N 02°31'49" W 15.00 feet to the POINT OF BEGINNING, containing 0.068 acre of land, more or less.

I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.



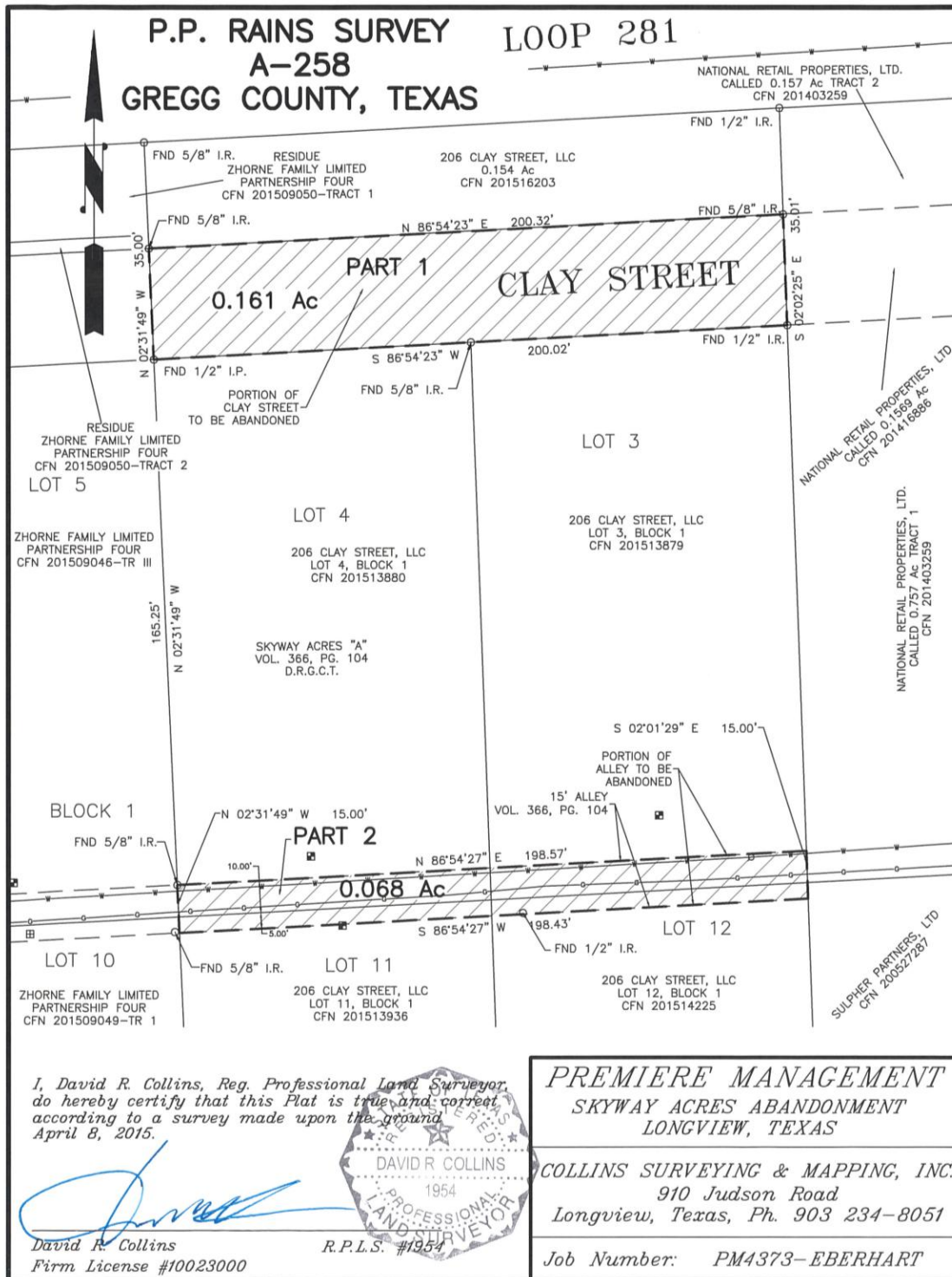
  
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES-EBERHART ABANDONMENT.DOCX

[illegible]



# Exhibit B



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A 60 FOOT-WIDE STREET RIGHT-OF-WAY KNOWN AS KATHY STREET, CONSISTING OF ONE PARCEL OF LAND TOTALING 0.484 ACRES, MORE OR LESS, EXTENDING BETWEEN LOTS 1 & 18, BLOCK 2, AND LOTS 7 & 8, BLOCK 1 SKYWAY ACRES A SUBDIVISION, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, P.P. RAINS SURVEY, A-258; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AND HOLDING THE CITY HARMLESS AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has received a request from the owners of Lots 1 & 18, Block 2, and Lots 7 & 8, Block 1 Skyway Acres A Subdivision, P.P. Rains Survey, A-258, City of Longview, Gregg County, Texas, that the City's interest, in a 60 foot wide (0.484 acre) portion of a public street right-of-way known as Kathy Street located adjacent to said property and extending between Clay Street and Skyline Drive; and,

WHEREAS, the aforesaid portion of street right-of-way consists of one parcel of

land described in the attached Exhibit A and shown on the attached Exhibit B; and,

WHEREAS, Zhorne Family Limited Partnership Four wishes to include part of the street into their property; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines that according to those guidelines there are no improvements to the subject right-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B are made a part of this ordinance for all purposes.

Section 3. That the City hereby abandons the City's interest in each of the two parcels of land described in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City

Secretary to attest to one or more Deeds to Evidence Abandonment of Public Alley Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City and holding the City harmless as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) located within said right-of-way, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

---

Dr. Andy Mack  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

O PLANNING ABANDON SKYWAY ACRES A (KATHY ST) 1-14-16



## Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA  
**SKYWAY ACRES "A" ABANDONMENT  
LEGAL DESCRIPTIONS**

### 0.484 Acre Tract – Kathy Street

All that certain 0.484 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being all of Kathy Street, in Skyway Acres "A", according to the plat of same recorded in Volume 363, Page 332, of the Deed Records of Gregg County, Texas, said 0.0.484 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod set at the intersection of the north right of way line of Skyline Drive and the west right of way line of Kathy Street for the southeast corner of Lot 18, Block 2, of said Skyway Acres, and the most southerly southwest corner of this tract, from which a found 1" iron pipe bears S 86°44'43" W 1.62 feet;

THENCE: N 02°16'32" W with the west right of way line of Kathy Street 350.22 feet to a 5/8" iron rod set at the intersection of the west right of way line of Kathy Street and the south right of way line of Clay Street for the northeast corner of Lot 1, Block 2, and an inner corner of this tract, from which a found 3/4" iron pipe bears S 36°36'01" E 0.84 feet;


THENCE: N 86°53'22" E 60.02 feet to a 5/8" iron rod found at the intersection of the south right of way line of Clay Street and the east right of way line of Kathy Street for the northwest corner of Lot 7, Block 2 of said Skyway Acres, and the northeast corner of this tract, from which a 1" pinched top pipe bears S 39°58'01" E 0.29 feet;

THENCE: S 02°19'08" E with the east right of way line of Kathy Street 350.24 feet to a 5/8" iron rod set in the north right of way line of Skyline Drive for the southeast corner of this tract;

THENCE: S 86°54'48" W 60.28 feet to the POINT OF BEGINNING, containing 0.484 acre of land, more or less.

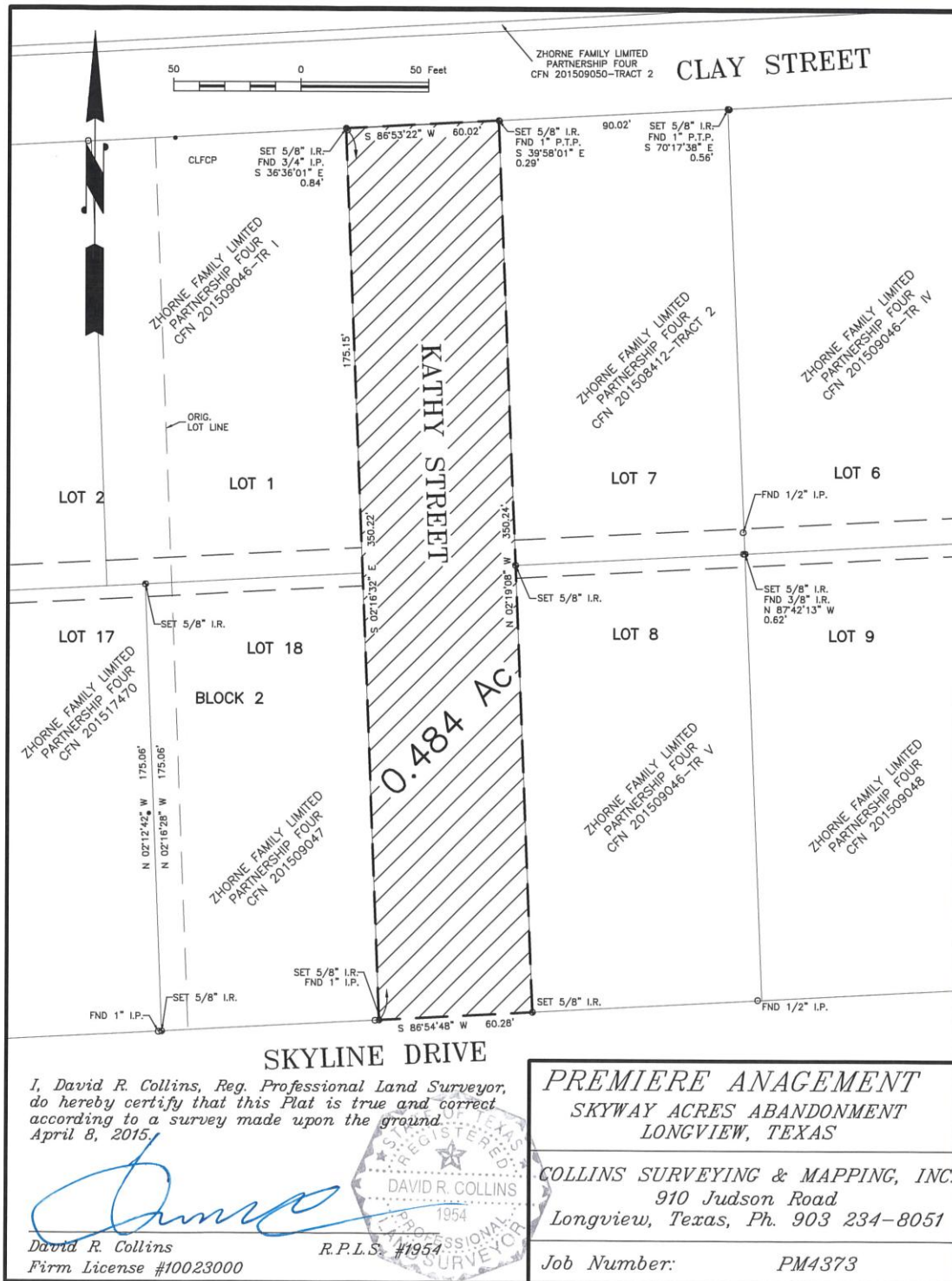
I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.



  
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES 0.484 AC ABANDONMENT.DOCX

# Exhibit B



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A 15 FOOT-WIDE ALLEY RIGHT-OF-WAY, CONSISTING OF ONE PARCEL OF LAND TOTALING 0.126 ACRES, MORE OR LESS, EXTENDING BETWEEN LOTS 1-5, AND LOTS 15-18, BLOCK 2, SKYWAY ACRES A SUBDIVISION AND LOT 3, BLOCK 1 CAPITAL PLAZA CENTER, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, P.P. RAINS SURVEY, A-258; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AND HOLDING THE CITY HARMLESS AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has received a request from the owners of Lots 1-5, and Lots 15-18, Block 2, Skyway Acres A Subdivision and Lot 3, Block 1 Capital Plaza Center, P.P. Rains Survey, A-258, City of Longview, Gregg County, Texas, that the City's interest, in a 15 foot wide (0.126 acre) portion of a public alley right-of-way located adjacent to said property and extending between Kathy Street and Lot 2, Block 1 Capital Plaza Center; and,

WHEREAS, the aforesaid portion of alley right-of-way consists of one parcel of land described in the attached Exhibit A and shown on the attached Exhibit B; and,

WHEREAS, Zhorne Family Limited Partnership Four wishes to include part of the alley into their property; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines that according to those guidelines there are no improvements to the subject right-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B are made a part of this ordinance for all purposes.

Section 3. That the City hereby abandons the City's interest in each of the two parcels of land described in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City Secretary to attest to one or more Deeds to Evidence Abandonment of Public Alley

Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City and holding the City harmless as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) located within said right-of-way, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

---

Dr. Andy Mack  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary  
APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

O PLANNING ABANDON SKYWAY ACRES A (WEST ALLEY) 1-14-16



## Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA

910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

### SKYWAY ACRES "A" ABANDONMENT LEGAL DESCRIPTIONS

#### 0.126 Acre Tract - West Alley

All that certain 0.126 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Lots 1, 2, 3, 4, 5, 15, 16, 17 and 18, Block 2, of Skyway Acres "A", according to the plat of same recorded in Volume 363, Page 332, of the Deed Records of Gregg County, Texas, and Lot 3, Block 1, of Capital Plaza Center, according to the Plat of same recorded in Clerk's File No. 201420991 of the Official Public Records of Gregg County, Texas, said 0.126 acre tract being part of the 15 foot wide Alley dedicated in Instrument dated November 28, 1951, and recorded in Volume 366, Page 104, of said Deed Records, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod set at the intersection of the north right of way line of Skyline Drive and the west right of way line of Kathy Street for the southeast corner of said Lot 18, and the most southerly southwest corner of this tract, from which a found 1" iron pipe bears S 86°44'43" W 1.62 feet;

THENCE: N 02°16'32" W with the west right of way line of Kathy Street 170.07 feet to a point 5.00 feet south of the northeast corner of said Lot 18 and the southeast corner of said Lot 1, for the southeast corner and POINT OF BEGINNING of this tract;

THENCE: S 86°54'27" W crossing 5.00 feet south of and parallel to the north lines of said Lots 15, 16, 17, and 18, a distance of 343.79 feet to a point in the west line of said Lot 3, Block 1, of Capital Plaza Center, for a southwest corner of this tract;

THENCE: N 02°03'20" W with the west line of said Lot 3, Block 1, of Capital Plaza Center, 5.00 feet to a 5/8" iron rod found in the south line of said Lot 5, Block 2, for an inner corner of this tract;

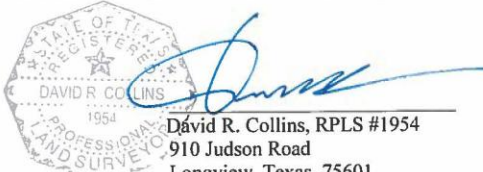
THENCE: S 86°56'07" W with the south line of said Lot 5, Block 2, a distance of 32.00 feet to a 5/8" iron rod found for the southwest corner of same and the most westerly southwest corner of this tract;

THENCE: N 02°03'20" W with the west line of said Lot 5, a distance of 10.00 feet to a point for a northwest corner;

THENCE: N 86°54'27" E crossing said Lots 5, 4, 3, 2, and 1, Block 2, along a course 10 feet north of and parallel to the south lines of same, a distance of 375.74 feet to a point in the west line of Kathy Street for the northeast corner of this tract;

THENCE: S 02°16'52" W with said right of way line 15.00 feet to the POINT OF BEGINNING, containing 0.126 acre of land, more or less.

I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.

  
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES 0.126 AC ABANDONMENT.DOCX

[illegible]

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, VACATING AND ABANDONING THE CITY'S INTEREST IN A 15 FOOT-WIDE ALLEY RIGHT-OF-WAY, CONSISTING OF ONE PARCEL OF LAND TOTALING 0.165 ACRES, MORE OR LESS, EXTENDING BETWEEN LOTS 3-7 AND LOTS 8-12, BLOCK 1, SKYWAY ACRES A SUBDIVISION, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, P.P. RAINS SURVEY, A-258; AUTHORIZING DEEDS TO EVIDENCE ABANDONMENT OF SAID RIGHT-OF-WAY AND ANY OTHER DOCUMENTS AS MAY BE NECESSARY FOR SAID ABANDONMENT; CONDITIONING SAID ABANDONMENT AND AUTHORIZATION UPON THE EXECUTION BY THE PROPERTY OWNERS OF APPROPRIATE DOCUMENTS RELEASING THE CITY AND HOLDING THE CITY HARMLESS AS A CONSEQUENCE OF SAID ABANDONMENT AND UPON THE EXECUTION OF PUBLIC UTILITY EASEMENTS FOR EXISTING WATER, SEWER, AND FRANCHISE UTILITIES LOCATED WITHIN SAID RIGHT-OF-WAY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, the City of Longview has received a request from the owners of Lots 3-7 and Lots 8-12, Block 1 Skyway Acres A Subdivision, P.P. Rains Survey, A-258, City of Longview, Gregg County, Texas, that the City's interest, in a 15 foot wide (0.126 acre) portion of a public alley right-of-way located adjacent to said property and extending between Kathy Street and Lot 1, Block 1 Skyway Acres A Subdivision; and,

WHEREAS, the aforesaid portion of alley right-of-way consists of two parcels of land described in the attached Exhibit A and shown on the attached Exhibit B; and,

WHEREAS, Zhorne Family Limited Partnership Four and 206 Clay Street, LLC wishes to include part of the alley into their property; and,

WHEREAS, Sections 272.001 (b)(1) and (2) of the Texas Local Government Code, in conjunction with Sections 272.001(b) and 272.001(c) of said code, authorize the conveyance of narrow strips of land and of streets or alleys for less than fair market value to abutting property owners who own the underlying fee simple; and,

WHEREAS, the City Council previously has established guidelines for procedures to be used in the abandonment of public rights-of-way; and,

WHEREAS, the City Council finds and determines that according to those guidelines there are no improvements to the subject right-of-way; and,

WHEREAS, the City Council finds and determines the aforementioned abandonment to be acceptable and in the best interest of the citizens of the City of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the attached Exhibit A and Exhibit B, are made a part of this ordinance for all purposes.

Section 3. That the City hereby abandons the City's interest in each of the two parcels of land described in the attached Exhibit A.

Section 4. That the City Manager is hereby authorized to execute and the City Secretary to attest to one or more Deeds to Evidence Abandonment of Public Alley

Right-of-Way or any other appropriate documents necessary to effectuate the aforesaid abandonment in an approved form as the same shall be prepared or approved by the City Attorney.

Section 5. That the aforesaid abandonment and authorization are hereby conditioned upon the execution by all of the affected property owners of releases or other appropriate documents as the City Attorney shall require and the filing of same, releasing the City and holding the City harmless as a consequence of said abandonment, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 6. That the aforesaid abandonment and authorization are hereby further conditioned upon the execution of public utility easements by the appropriate property owners for existing water, sewer, and franchise utilities (if any) located within said right-of-way, otherwise this ordinance and the accompanying abandonment to be null and void.

Section 7. That the meeting at which this ordinance was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That this ordinance shall be effective immediately from and after its date of passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

---

Dr. Andy Mack  
Mayor

ATTEST:

---

Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

---

Jim Finley  
City Attorney

O PLANNING ABANDON SKYWAY ACRES A (EAST ALLEY) 1-14-16



# Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA  
**SKYWAY ACRES "A" ABANDONMENT  
LEGAL DESCRIPTIONS**

## 0.097 Acre Tract – East Alley

All that certain 0.097 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Lots 5, 6, 7, 8, 9 and 10, Block 1, in Skyway Acres "A", according to the plat of same recorded in Volume 363, Page 332, of the Deed Records of Gregg County, Texas, said 0.097 acre tract being part of the 15 foot wide Alley dedicated in Instrument dated November 28, 1951, and recorded in Volume 366, Page 104, of said Deed Records, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod set at the intersection of the north right of way line of Skyline Drive and the east right of way line of Kathy Street for the southeast corner of said Lot 18, and the most southerly southwest corner of this tract, from which a found 1" iron pipe bears S 86°44'43" W 1.62 feet;

THENCE: N 02°19'08" W with the east right of way line of Kathy Street 170.07 feet to a point 5.00 feet south of the northwest corner of said Lot 8 and the southeast corner of said Lot 7, for the southeast corner and POINT OF BEGINNING of this tract;

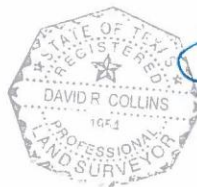
THENCE: N 02°19'08" W continuing with said right of way line 15.00 feet to a point for the northwest corner of this tract;

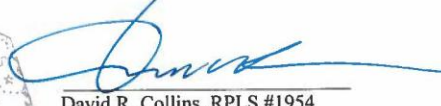
THENCE: N 86°54'27" E crossing 10.00 feet north of and parallel to the south lines of said Lots 7, 6, and 5, a distance of 281.68 feet to a 5/8" iron rod found in the west line of Lot 4, Block 1, of Capital Plaza Center, for the northeast corner of this tract;

THENCE: S 02°31'49" E with the west line of said Lot 4, Block 1, of Capital Plaza Center, 15.00 feet to a point for the southeast corner of this tract

THENCE: S 86°54'27" W crossing 5.00 feet south of and parallel to the north lines of said Lots 10, 9, and 8, a distance of 281.73 feet to the POINT OF BEGINNING, containing 0.097 acres more or less.

I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.



  
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES 0.097 AC ABANDONMENT.DOCX

## Exhibit A

Topographic Surveys  
Subdivisions  
Construction Layout  
Boundary Surveys  
Oil Well Location  
Route Surveys



910 A Judson Road  
Longview, Texas 75601  
903/234-8051  
Fax 903/234-1932

**COLLINS SURVEYING  
& MAPPING, INC.**  
TEXAS • ARKANSAS • LOUISIANA  
**SKYWAY ACRES "A" ABANDONMENT  
LEGAL DESCRIPTIONS**

### 0.161 Acre Tract

All that certain 0.161 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Clay Street, according to the plat of Skyway Acres "A", recorded in Volume 366, Page 104, of the Deed Records of Gregg County, Texas, said 0.161 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the south right of way line of said Clay Street for the northeast corner of Lot 3, Block 1, of said Skyway Acres "A", for the southeast corner of this tract;

THENCE: S 86°54'23" W with said right of way line 200.02 feet to a 1/2" iron pipe found for the northwest corner of Lot 4, of said Block 1, and the southwest corner of this tract;

THENCE: N 02°31'49" W 35.00 feet to a 5/8" iron rod found in the north right of way line of said Clay Street for the southwest corner of the 0.154 acre tract conveyed to 206 Clay Street, LLC, by Warranty Deed recorded in Clerk's File No. 201516203 of the Official Public Records of Gregg County, Texas, and for the northwest corner of this tract;

THENCE: N 86°54'23" E 200.32 feet to a 5/8" iron rod found in same for the southeast corner of said 0.154 acre tract and the northeast corner of this tract;

THENCE: S 02°02'25" E 35.01 feet to the POINT OF BEGINNING, containing 0.161 acre of land, more or less.

### 0.068 Acre Tract

All that certain 0.068 acre tract of land in the P. P. Rains Survey, A-258, in the City of Longview, Gregg County, Texas, being part of Lots 3, 4, 11 and 12, Block 1, of Skyway Acres "A", according to the plat of same recorded in Volume 366, Page 104, of the Deed Records of Gregg County, Texas, said 0.068 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the west line of said Lot 4 for the northwest corner of this tract;

THENCE: N 86°54'27" E 198.57 feet to a point for the northeast corner of this tract;

THENCE: S 02°01'29" E 15.00 feet to a point for the southeast corner of this tract;

THENCE: S 86°54'27" W 198.43 feet to a point for the southwest corner of this tract;

THENCE: N 02°31'49" W 15.00 feet to the POINT OF BEGINNING, containing 0.068 acre of land, more or less.

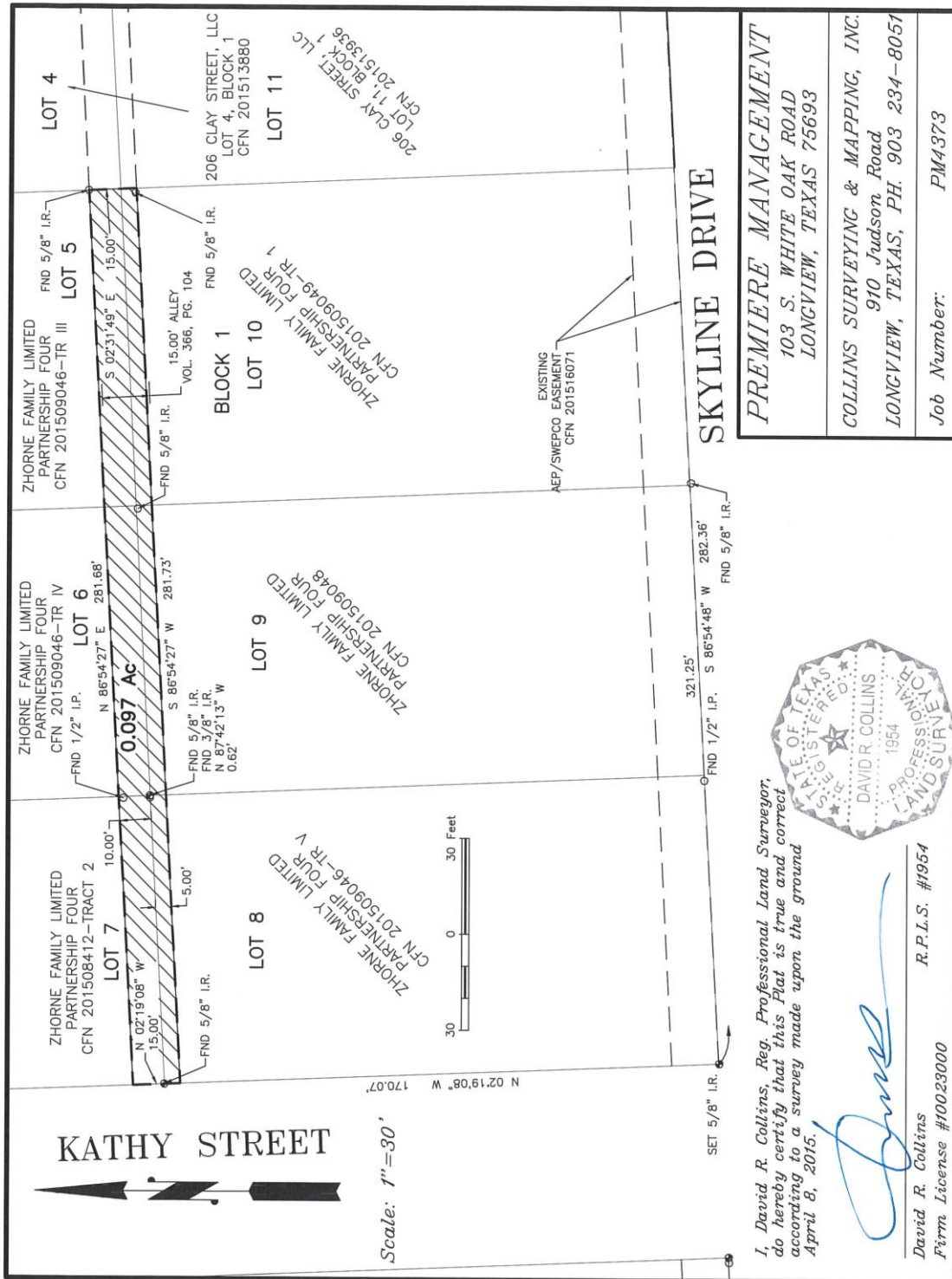
I, David R. Collins, Registered Professional Land Surveyor #1954, do hereby certify that the above field notes are true and correct as shown on the Plat PM4373, according to a survey made by me upon the ground April 8, 2015.



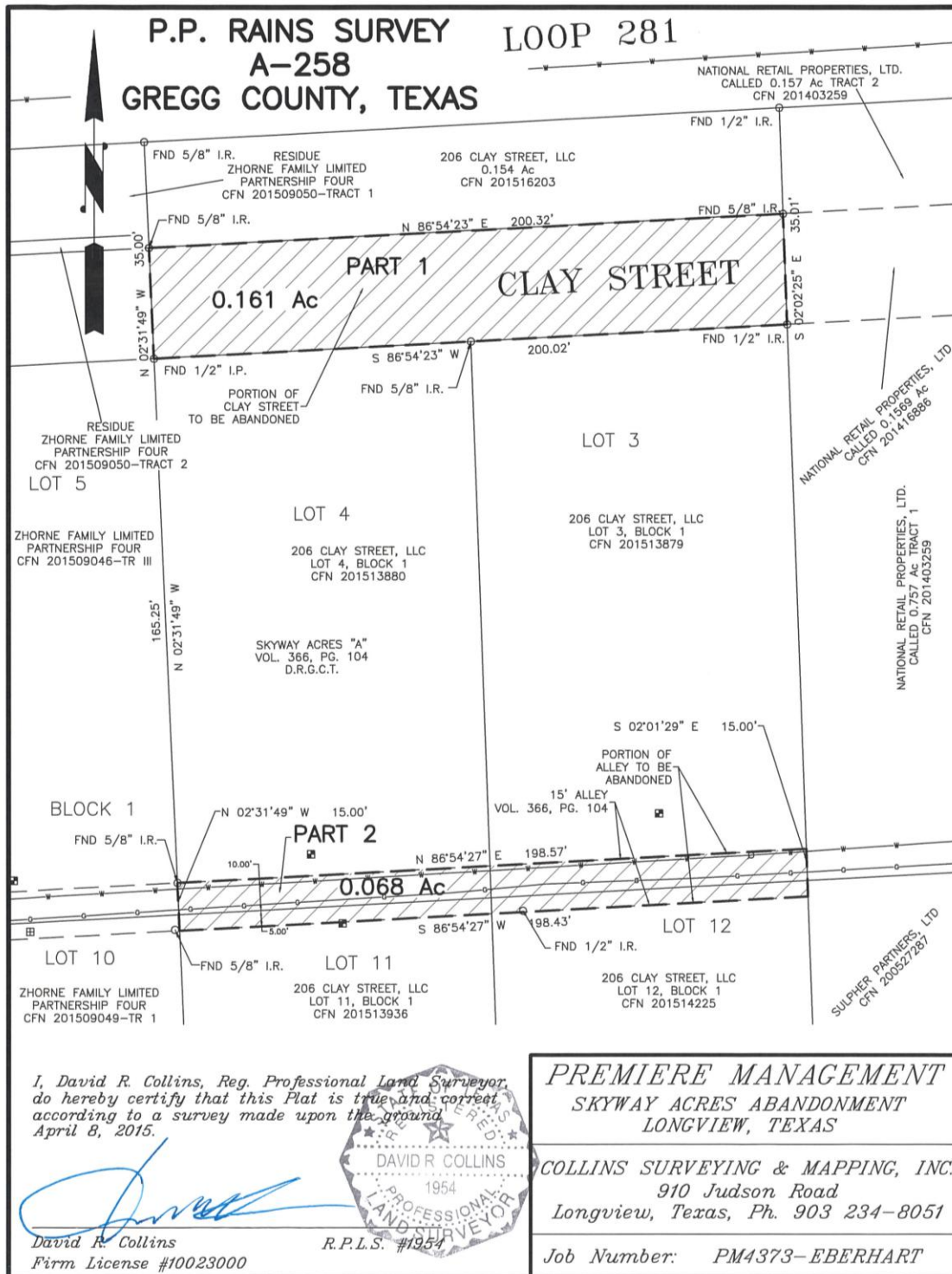
David R. Collins, RPLS #1954  
910 Judson Road  
Longview, Texas, 75601  
Firm License No. 10023000

L:\PM4373-SKYWAY ACRES-EBERHART ABANDONMENT.DOCX

## Exhibit B



# Exhibit B





## GENERAL ELECTION DISTRICTS 5 AND 6

<b>DESCRIPTION:</b>	Consider an Ordinance calling a General Election on May 7, 2016 to fill expired terms of Council Members for City Council Districts 5 and 6. Filing dates are Wednesday, January 20, 2016 through Friday, February 19, 2016. Early voting begins April 25, 2016 and ends May 3, 2016.
<b>RECOMMENDED ACTION:</b>	Passage of ordinance.
<b>SOURCE OF FUNDS:</b>	Funding is available from Special Services Fund 1-3-0-5160
<b>STAFF CONTACT:</b>	Shelly Ballenger, City Secretary 903-237-1080 <a href="mailto:sballenger@longviewtexas.gov">sballenger@longviewtexas.gov</a>
<b>COUNCIL DATE:</b>	January 14, 2016

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, CALLING AN ELECTION FOR THE PURPOSE OF ELECTING CITY COUNCILMEMBERS FOR CITY COUNCIL VOTING DISTRICTS NOS. 5 AND 6 IN THE CITY OF LONGVIEW, TEXAS; ESTABLISHING THE DATE OF THE ELECTION; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACES; APPOINTING ELECTION JUDGES; PROVIDING FOR NOTICE OF THE ELECTION; DESIGNATING THE METHOD OF VOTING; AUTHORIZING AN AGREEMENT WITH THE GREGG COUNTY ELECTIONS ADMINISTRATOR FOR ELECTION SERVICES; APPOINTING AN EARLY VOTING BALLOT BOARD; PROVIDING COMPENSATION OF ELECTION WORKERS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, each city council seat is for a term of 3 years; and,

WHEREAS, the current three-year terms for Council Members for Districts 5 and 6 will expire in May 2016; and,

WHEREAS, due to the expiration of said terms, the City Council must call an election to fill said city council seats for Districts 5 and 6; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted

Section 2. That an election be called for and held on the first Saturday in May, 2016, the same being May 07, 2016, with filing to begin January 20, 2016, and



ending February 19, 2016, for the purpose of electing members of the City Council for City Council Voting Districts Nos. 5 and 6 to three-year (3-year) terms.

Section 3. That all persons legally qualified to vote according to the laws of the State of Texas and the Charter of the City of Longview, Texas, shall be entitled to vote in said election.

Section 4. That said election shall be held and conducted and the returns thereof made in accordance with the Texas Election Code, the Charter of the City of Longview, Texas, and all other applicable statutes of the State of Texas and ordinances of the City of Longview, Texas.

Section 5. That the polling places for the respective districts shall be as follows:

<u>District Number</u>	<u>Location</u>
Dist. 5 (North)	Spring Hill School L. L. Williamson Auditorium Spring Hill Road
Dist. 6 (Central)	City Hall Lobby JoAnn Metcalf Municipal Building 300 West Cotton Street

Section 6. That the following persons are hereby appointed and named as Election Judges:

<u>District Number</u>	<u>Judge</u>
Dist. 5 (North)	Bonnie Tiffin Election Judge Thomas Reardon Alternate Election Judge
Dist. 6 (Central)	Holley Noon Election Judge Joel Johnson

## Alternate Election Judge

Section 7. That early voting shall be conducted by personal appearance and by mail at the City Hall, JoAnn Metcalf Municipal Building, 300 W. Cotton Street, Longview, Texas 75601, and during the period early voting is required or permitted by law, said period being April 25, 2016, through May 3, 2016. From April 25, 2016, through April 29, 2016, the hours designated for early voting by personal appearance shall be from 8 a.m. to 5 p.m., Monday through Friday. For April 30, 2016, the hours designated for early voting by personal appearance shall be from 10 a.m. to 2 p.m. On May 2, 2016, and May 3, 2016, the hours designated for early voting by personal appearance shall be from 8 a.m. to 8 p.m. The Early Voting Clerk shall keep said early voting place open during such hours for early voting by personal appearance. The Early Voting Clerk for said election shall be Shelly Ballenger.

Section 8. That notice of said election be given for the time and in the manner provided and prescribed by the Texas Election Code and in accordance with the Charter and ordinances of the City of Longview, Texas.

Section 9. That the method of voting in said election shall be by use of the Direct Read Electronic (DRE) Voting System and by use of the Digital Imaging Scanning System.

Section 10. That the following named person is hereby appointed to serve on the date of the election as the presiding judge of a three (3) member Early Voting Ballot Board, the other two members of which are to be appointed by said judge in accordance with the provisions of Chapter 87 of the Texas Election Code, as amended:

Gail Lester

Section 11. That the hourly rate of pay for election workers is set at \$9.00 per hour. That the hourly rate for election judges is set at \$10.00 per hour.

Section 12. That the City Manager or the City Manager's designee is hereby authorized and directed to execute an agreement with the Gregg County Elections Administrator, as approved by the City Attorney, to allow the Gregg County Elections Administrator to provide services in regards to the May 7, 2016, election.

Section 13. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 14. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 14<sup>th</sup> day of January, 2016.

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Dr. Andy Mack  
Mayor

ATTEST:

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Shelly Ballenger  
City Secretary

APPROVED AS TO FORM:

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Jim Finley  
City Attorney

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